

California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

NOTICE OF PUBLIC HEARING

for
WASTE DISCHARGE REQUIREMENTS
(National Pollutant Discharge Elimination System Permit)
ORDER NO. R8-2005-0074, NPDES NO. CA0105392

for
CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT
WATER RECLAMATION FACILITY
San Bernardino County

On the basis of preliminary staff review and application of lawful standards and regulations, the California Regional Water Quality Control Board, Santa Ana Region, proposes to reissue waste discharge requirements for the discharge of secondary treated and disinfected wastewater from the City of San Bernardino Municipal Water Department's Water Reclamation Facility into East Twin Creek and Reach 5 of Santa Ana River when at least 20:1 dilution is provided by the receiving waters.

The Board is seeking comments concerning the proposed waste discharge requirements and the potential effects of the discharge on the water quality and beneficial uses of the affected receiving waters.

The Board will hold a public hearing to consider adoption of the proposed waste discharge requirements as follows:

DATE: September 30, 2005
TIME: 9:00 a.m.
PLACE: Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley

Interested persons are invited to submit written comments on the proposed Order No. R8-2005-0074. Interested persons are also invited to attend the public hearing and express their views on issues relating to the proposed Order. Oral statements will be heard, but should be brief to allow all interested persons time to be heard. For the accuracy of the record, all testimony (oral statements) should be submitted in writing.

Although all comments that are provided up to and during the public hearing on this matter will be considered, receipt of comments by September 12, 2005 would be appreciated so that they can be used in the formulation of the draft Order that will be transmitted to the Board two weeks prior to the hearing. The draft Order may contain changes resulting from comments received from the public. To view on/or download a copy of the draft Order, please access our website at www.swrcb.ca.gov/rwqcb8 on or after September 19, 2005.

The Board's proposed Order, related documents, and all comments and petitions received may be inspected and copied at the Regional Board office, 3737 Main Street, Suite 500, Riverside, CA 92501-3348 (phone 951-782-4130) by appointment scheduled between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday. Copies of the proposed Order will be mailed to interested persons upon request to Jane Qiu at (951) 320-2008.

Any person who is physically challenged and requires reasonable accommodation to participate in this Regional Board Meeting should contact Catherine Ehrenfeld at (951) 782-3285 no later than September 19, 2005.

California Regional Water Quality Control Board
Santa Ana Region

September 30, 2005

ITEM:

SUBJECT: Renewal of Waste Discharge Requirements for the City of San Bernardino Municipal Water Department's Water Reclamation Facility, Order No. R8-2005-0074, NPDES No. CA0105392, San Bernardino County

DISCUSSION:

See attached Fact Sheet

RECOMMENDATIONS:

Adopt Order No. R8-2005-0074, NPDES No. CA0105392 as presented.

COMMENT SOLICITATION:

Comments were solicited from the discharger and the following agencies:

U.S. Environmental Protection Agency, Permits Issuance Section (WTR-5) – Doug Eberhardt
U.S. Army District, Los Angeles, Corps of Engineers, Regulatory Branch
U.S. Fish and Wildlife Service – Carlsbad
State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
State Water Resources Control Board, Division of Water Quality – Jim Maughan
California Department of Health Services, San Bernardino – Sean McCarthy
State Department of Water Resources - Glendale
State Department of Fish and Game – Long Beach
San Bernardino County Department of Environmental Health Services
San Bernardino County Department of Public Works
Inland Empire Utilities Agency -
Western Municipal Water District -
Orange County Water District - Nira Yamachika
City of Rialto, Public Works Department –
City of Riverside Department of Public Works -
City of Loma Linda – City Manager
City of Highland – City Manager
East Valley Water District - Manager
Santa Ana River Dischargers Association -
Santa Ana Watershed Project Authority – Daniel Cozad
Orange County Coastkeeper
Lawyers for Clean Water C/c San Francisco Baykeeper



Alan C. Lloyd, Ph.D.
Agency Secretary

California Regional Water Quality Control Board

Santa Ana- Region

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 - FAX (951) 781-6288- TTY (951) 782-3221

<http://www.waterboards.ca.gov/santaana>



Arnold Schwarzenegger
Governor

ORDER NO. R8-2005-0074

NPDES NO. CA0105392

The following Discharger is authorized to discharge in accordance with the Waste Discharge Requirements set forth in this Order:

Discharger	City of San Bernardino Municipal Water Department
Name of Facility	Water Reclamation Facility, City of San Bernardino
Facility Address	399 Chandler Place
	San Bernardino, CA 92408
	San Bernardino County

The Discharger is authorized to discharge from the following discharge points as set forth below:

Discharge Point	Effluent Description	Discharge Point (Latitude)	Discharge Point (Longitude)	Receiving Water
001	Secondary Treated and Disinfected	34 ° 04' 14" N	117 ° 17' 13" W	East Twin Creek near the confluence with Santa Ana River, Reach 5
002	Stormwater	34 ° 04' 31" N	117 ° 17' 22" W	Santa Ana River, Reach 5

This Order was adopted by the Regional Water Board on:	September 30, 2005
This Order shall become effective on:	September 30, 2005
This Order shall expire on:	September 1, 2010
The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Water Board have classified this discharge as a major discharge.	
The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of the Order expiration date as application for issuance of new waste discharge requirements.	

IT IS HEREBY ORDERED, that Order No. 00-8 is superseded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted therein, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted therein, the Discharger shall comply with the requirements in this Order.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that Order No. R8-2005-0074 with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 30, 2005.

Gerard J. Thibeault, Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
REGION 8, SANTA ANA REGION**

ORDER NO. R8-2005-0074
NPDES NO. CA0105392

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I. FACILITY INFORMATION

The following Discharger is authorized to discharge in accordance with the Waste Discharge Requirements set forth in this Order:

Discharger	City of San Bernardino Municipal Water Department
Name of Facility	Water Reclamation Facility, City of San Bernardino
Facility Address	399 Chandler Place
	San Bernardino, CA 92408
	San Bernardino County
Facility Contact, Title, and Phone	John A. Perry, Director of Water Reclamation, (909) 384-5502
Mailing Address	P. O. Box 710, San Bernardino, CA 92402
Type of Facility	POTW
Facility Design Flow	33 million gallons per day

II. FINDINGS

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Water Board), finds:

- A. **Background.** The City of San Bernardino Municipal Water Department (hereinafter Discharger) is currently discharging under Order No. 00-8 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0105392. The Discharger submitted a Report of Waste Discharge, dated February 14, 2005, and applied for a NPDES permit renewal to discharge from its Water Reclamation Facility (hereinafter Facility) up to 33 million gallons per day (mgd) of secondary treated and disinfected wastewater to surface waters when 20:1 dilution or more can be provided by the natural receiving waters. The application was deemed complete on May 5, 2005.
- B. **Facility Description.** The Discharger owns and operates a publicly owned treatment works with secondary treatment capability. The treatment system consists of screening, grit removal, primary clarification, secondary activated sludge (biological oxidation) with nitrification and denitrification, secondary clarification, chlorination, and dechlorination. When there exists 20:1 dilution or more by the natural receiving waters, secondary treated and disinfected wastewater may be discharged from Discharge 001 (see table on cover page) to East Twin Creek near the confluence with Reach 5 of the Santa Ana River. East Twin Creek and the Santa Ana River are waters of the United States. The Discharger intermittently discharges into the Creek. During recent dry years, the facility had discharged secondary treated and disinfected wastewaters on the average of one to two times per year, but between the months of October 2004 and May 2005, the facility had discharged 10 times. Discharges normally last for a period of 1 to 2 days per discharge event, with discharge flows reaching up to 5.8 mgd.

- C. **Legal Authorities.** This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC.
- D. **Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and through special studies. Attachment F, which contains background information and rationale for Order requirements, is hereby incorporated into this Order and, thus constitutes part of the Findings for this Order. Attachments A through E, and G through K are also incorporated into this Order.
- E. **California Environmental Quality Act (CEQA).** This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.
- F. **Technology-based Effluent Limitations.** The Code of Federal Regulations (CFR) at 40 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards. This Order includes technology-based effluent limitations based on Secondary Treatment Standards at 40 CFR Part 133. A discussion of the development of the technology-based effluent limitations is included in the Fact Sheet (Attachment F).
- G. **Water Quality-based Effluent Limitations.** Section 122.44(d) of 40 CFR requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality objectives to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR §122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a), proposed State objectives or a State policy interpreting narrative objectives supplemented with other relevant information, or an indicator parameter.
- H. **Water Quality Control Plans.** The Regional Water Board adopted a Water Quality Control Plan for the Santa Ana River Basin (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, State Water Resources Control Board (State Water Board) Resolution No. 88-63 requires that, with certain exceptions, the Regional Water Board assign the municipal and domestic supply use to water bodies that do not have beneficial uses listed in the Basin Plan. Beneficial uses applicable to East Twin Creek and Reach 5 of Santa Ana River are as follows:

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	East Twin Creek	<u>Existing or Potential:</u> Municipal and domestic supply (MUN), agricultural supply (AGR), Ground water recharge (GWR), water contact recreation (REC-1), non-contact water recreation (REC-2), Cold freshwater habitat (Cold); wildlife habitat (WILD), and spawning, reproduction, and development (SPWN).
001 and -002	Reach 5 of Santa Ana River	<u>Existing or Potential:</u> Agricultural supply (AGR), warm freshwater habitat (WARM); wildlife habitat (WILD), ground water recharge (GWR), hydropower generation, water contact recreation (REC-1) and non-contact water recreation (REC-2).*
	Downstream Reaches of the Santa Ana River	<u>Existing or Potential:</u> Municipal and domestic supply (MUN), agricultural supply (AGR), Warm freshwater habitat (WARM); wildlife habitat (WILD), Ground water recharge (GWR), contact (REC-1) and non-contact (REC-2) water recreation, and rare, threatened or endangered species (RARE).

* MUN applies to Reach 5 of the Santa Ana River upstream of Orange Avenue in Redlands

Requirements of this Order specifically implement the applicable Water Quality Control Plans.

- I. **Stormwater.** On April 17, 1997, the State Board adopted the General Industrial Storm Water Permit, Order No. 97-03-DWQ, NPDES No. CAS000001. This General Permit implements the Final Regulations (40 CFR 122, 123, and 124) for storm water runoff published on November 16, 1990 by EPA in compliance with Section 402(p) of the Clean Water Act (CWA). This Order includes pertinent provisions of the General Industrial Storm Water permit appropriate for this discharge. The Regional Water Board has determined that pollution prevention is necessary to achieve water quality objectives. Consequently this Order requires the Discharger to establish, update as necessary and implement a pollution prevention plan and stormwater monitoring.
- J. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, which was amended on May 4, 1995 and November 9, 1999, and the CTR on May 18, 2000, which was amended on February 13, 2001. These rules include water quality criteria for priority pollutants and are applicable to this discharge.
- K. **State Implementation Policy.** On March 2, 2000, State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by USEPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP became effective on May 18, 2000. The SIP includes procedures for determining the need for and calculating WQBELs and requires dischargers to submit data sufficient to do so.

- L. **Antidegradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. As discussed in the Fact Sheet (Attachment F) the permitted discharge is consistent with the antidegradation provision of 40 CFR §131.12 and State Water Board Resolution 68-16.
- M. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR § 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order No. 00-8.
- N. **Monitoring and Reporting.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.
- O. **Standard and Special Provisions.** Standard Provisions, which in accordance with 40 CFR §§122.41 and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D. The Regional Water Board has also included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet (Attachment F).
- P. **Notification of Interested Parties.** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet (Attachment F) of this Order.
- Q. **Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this Order.

III. DISCHARGE PROHIBITIONS

- A. The direct discharge of wastewater to the Santa Ana River other than when the flow¹ in the River results in a dilution of 20:1 or more at the point of discharge is prohibited.

¹ Exclusive of discharges to surface waters from upstream public owned treatment works.

- B. The discharge of oil or other solids directly to the surface waters in this region or in any manner that will ultimately affect surface waters in this region is prohibited.
- C. The discharge of any substances in concentrations toxic to animal or plant life is prohibited.
- D. Odors, vectors, and other nuisances of waste origin are prohibited beyond the limits of each discharger's facility.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations – Discharge Point 001

1. Final Limitations: The discharge of secondary treated wastewater shall maintain compliance with the following effluent limitations, with compliance measured at monitoring location M-001, as described in the attached Monitoring and Reporting Program (Attachment E):

- a. Numeric Limitations:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Biochemical Oxygen Demand 5-day @ 20°C	mg/L	30	45	--	--	--
Total Suspended Solids	mg/L	30	45	--	--	--
pH	standard units	--	--	--	6.5	8.5
Total Chlorine Residual	mg/L	--	--	--	--	2.1

- b. The discharge shall at all times be adequately oxidized and disinfected secondary treated wastewater and shall meet the following limitations:
 - i. The number of coliform organisms does not exceed a median of 23 per 100 milliliters as determined from the daily coliform organism values for the last seven (7) days. (see also Compliance Determination VII.H., below)
 - ii. The discharge shall be considered adequately oxidized if the 5-day @ 20°C Biochemical Oxygen Demand and Total Suspended Solids constituent concentrations of the discharge are less than or equal to the limitations shown in A.1.a, above.
2. The monthly average biochemical oxygen demand and suspended solids concentrations of the discharge shall not be greater than fifteen percent (15%) of the monthly average influent concentration.
3. Wastes discharged from Discharge Point 001 shall be limited to secondary treated and disinfected Effluent.

B. Land Discharge Specifications - Not Applicable.

C. Reclamation Specifications - Not Applicable.

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

1. Receiving water limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this Order. The discharge shall not cause the following in the East Twin Creek, the Santa Ana River, Reach 5, or in downstream Reaches of the Santa Ana River:
 - a. Coloration of the receiving waters, which causes a nuisance or adversely affects beneficial uses.
 - b. Deposition of oil, grease, wax or other materials in the receiving waters in concentrations which result in a visible film or in coating objects in the water, or which cause a nuisance or affect beneficial uses.
 - c. An increase in the amounts of suspended or settleable solids in the receiving waters, which will cause a nuisance or adversely affect beneficial uses as a result of controllable water quality factors.
 - d. Taste or odor-producing substances in the receiving waters at concentrations, which cause a nuisance or adversely affect beneficial uses.
 - e. The presence of radioactive materials in the receiving waters in concentrations, which are deleterious to human, plant or animal life.
 - f. The depletion of the dissolved oxygen concentration below 5.0 mg/l.
 - g. The temperature of the receiving waters to be raised above 90°F (32°C) during the period of June through October, or above 78°F (26°C) during the rest of the year.
 - h. The concentration of pollutants in the water column, sediments, or biota to adversely affect the beneficial uses of the receiving water. The discharge shall not result in the degradation of inland surface water communities and populations, including vertebrate, invertebrate, and plant species.
2. The discharge of wastes shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Board or State Board, as required by the Clean Water Act and regulations adopted thereunder.
3. Pollutants not specifically mentioned and limited in this Order shall not be discharged at levels that will bioaccumulate in aquatic resources to levels, which are harmful to human health.

B. Groundwater Limitations - Not Applicable.

VI. PROVISIONS

A. Standard Provisions

1. **Federal Standard Provisions.** The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.
2. **Regional Water Board Standard Provisions.** The Discharger shall comply with the following provisions:
 - a. Neither the treatment nor the discharge of waste shall create, or threaten to create, a nuisance or pollution as defined by Section 13050 of the California Water Code.
 - b. The discharger shall maintain a copy of this Order at the site so that it is available to site operating personnel at all times. Key operating personnel shall be familiar with its content.
 - c. The discharger shall take all reasonable steps to minimize any adverse impact to receiving waters resulting from noncompliance with any requirements specified in this Order, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.
 - d. The discharger shall optimize chemical additions needed in the treatment process to meet waste discharge requirements so as to minimize total dissolved solid increases in the treated wastewater.
 - e. The provisions of this Order are severable, and if any provision of this Order, or the application of any provisions of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order shall not be affected thereby.
 - f. Collected screenings, sludge, and other solids removed from liquid wastes shall be disposed of in a manner approved by the Regional Water Board's Executive Officer.
 - g. If the discharger demonstrates a correlation between the biological oxygen demand (BOD₅) and total organic carbon (TOC) concentrations in the effluent to the satisfaction of the Executive Officer, compliance with the BOD₅ limits contained in this Order may be determined based on analyses of the TOC of the effluent.
 - h. In the event of any change in control or ownership of land or waste discharge facility presently owned or controlled by the discharger, the discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Regional Water Board.
 - i. The treatment facilities shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.

B. Monitoring and Reporting Program Requirements

1. The Discharger shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment D of this Order. This monitoring and reporting program may be modified by the Executive Officer at any time during the term of this Order, and may include an increase in the number of parameters to be monitored, the frequency of the monitoring or the number and size of samples to be collected. Any increase in the number of parameters to be monitored, the frequency of the monitoring or the number and size of samples to be collected may be reduced back to the levels specified in the original monitoring and reporting program at the discretion of the Executive Officer.

C. Special Provisions

1. Reopener Provisions

- a. This Order may be reopened to address any changes in State or federal plans, policies or regulations that would affect the quality requirements for the discharges.
- b. This Order may be reopened to include effluent limitations for pollutants determined to be present in the discharge in concentrations that pose a reasonable potential to cause or contribute to violations of water quality objectives.
- c. This Order may be reopened and modified in accordance with the requirements set forth at 40 CFR 122 and 124, to include the appropriate conditions or limits to address demonstrated effluent toxicity based on newly available information, or to implement any EPA-approved new State water quality standards applicable to effluent toxicity.
- d. This Order may be reopened to incorporate appropriate biosolids requirements if the State Water Resources Control Board and the Regional Water Board are given the authority to implement regulations contained in 40 CFR 503.

2. Special Studies, Technical Reports and Additional Monitoring Requirements–Not Applicable

3. Best Management Practices and Pollution Prevention

- a. Stormwater² discharges from this facility shall not:
 - i. Cause or contribute to a violation of any applicable water quality standards contained in the Basin Plan, or in the State or Federal regulations.
 - ii. Cause or threaten to cause pollution, contamination, or nuisance.
 - iii. Contain a hazardous substance equal to or in excess of a reportable quantity of listed in 40CFR part 117 and /or 40CFR part 302.
 - iv. Adversely impact human health or the environment.

² Stormwater means stormwater runoff and surface runoff and drainage.

- b. Storm water discharges shall not result in noncompliance with the lawful requirements of municipalities, counties, drainage districts, and other local agencies on storm water discharges into storm drain systems or other courses under their jurisdiction.
- c. Stormwater Pollution Prevention Plan - The discharger must update and implement the Storm Water Pollution Prevention Plan for the treatment facility in accordance with Attachment "J" of this Order.
- d. Best Management Practices Plan. The Discharger shall develop, notify the Regional Water Board of completion, and implement within 90 days of the effective date of this Order, a Best Management Practices Plan (BMPP). If necessary, the plan, or any existing plan, shall be updated to address any changes in operation and/or management of the facility. Notification that a plan has been updated shall be submitted to the Regional Water Board within 30 days of revision.

The BMPP shall be consistent with the general guidance contained in the EPA *Guidance Manual for Developing Best Management Practices (BMPs)* (EPA 833-B-93-004). In particular, a risk assessment of each area identified by the Discharger shall be performed to determine the potential for hazardous or toxic waste/material discharge to surface waters.

4. Compliance Schedules – Not Applicable

5. Construction, Operation and Maintenance Specifications

- a. The discharger's wastewater treatment plant shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Title 23, Division 3, Chapter 14, California Code of Regulations.
- b. The discharger shall provide safeguards to assure that should there be reduction, loss, or failure of electric power, the discharger will comply with the requirements of this Order.
- c. The discharger shall update as necessary, the "Operation and Maintenance Manual (O&M Manual)" which it has developed for the treatment facility to conform to latest plant changes and requirements. The O&M Manual shall be readily available to operating personnel onsite. The O&M Manual shall include the following:
 - (1).Description of the treatment plant table of organization showing the number of employees, duties and qualifications and plant attendance schedules (daily, weekends and holidays, part-time, etc). The description should include documentation that the personnel are knowledgeable and qualified to operate the treatment facility so as to achieve the required level of treatment at all times.
 - (2).Detailed description of safe and effective operation and maintenance of treatment processes, process control instrumentation and equipment.
 - (3).Description of laboratory and quality assurance procedures.
 - (4).Process and equipment inspection and maintenance schedules.

- (5). Description of safeguards to assure that, should there be reduction, loss, or failure of electric power, the discharger will be able to comply with requirements of this Order.
- (6). Description of preventive (fail-safe) and contingency (response and cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. These plans shall identify the possible sources (such as loading and storage areas, power outage, waste treatment unit failure, process equipment failure, tank and piping failure) of accidental discharges, untreated or partially treated waste bypass, and polluted drainage.

4. Special Provisions for Municipal Facilities (POTWs Only)

a. Sludge Disposal Requirements

- (1). Collected screenings, biosolids, and other solids removed from liquid wastes shall be disposed of in a manner that is consistent with Chapter 15, Division 3, Title 23, of the California Code of Regulations and approved by the Executive Officer.
- (2). The use and disposal of biosolids shall comply with existing Federal and State laws and regulations, including permitting requirements and technical standards included in 40 CFR 503.
- (3). Any proposed change in biosolids use or disposal practice from a previously approved practice should be reported to the Executive Officer and EPA Regional Administrator at least 90 days in advance of the change.
- (4). The discharger shall take all reasonable steps to minimize or prevent any discharge or biosolids use or disposal that has the potential of adversely affecting human health or the environment.

b. Pretreatment Program

- (1). The discharger shall update as necessary and implement an acceptable pretreatment program.
- (2). The discharger shall update as necessary the appropriate contractual agreements with all governmental agencies³. The contractual agreements shall give the discharger the authority to implement and enforce the EPA approved pretreatment program within the sewer service areas of the treatment facility. The discharger shall assure that any other steps necessary to provide this implementation and enforcement authority (e.g. adoption of ordinances, etc.) are taken by all governmental agencies. If a governmental agency has an EPA approved pretreatment program for any portion of the service area of the treatment facility, the discharger's pretreatment program shall contain provisions ensuring that that governmental agency's program is implemented.

³ Member agencies and sewerage agencies discharging wastewater into the facility.

In the event that any agency discharging to discharger's facility fails to effectively implement its individual EPA approved pretreatment program, the discharger shall implement and enforce its approved program within that agency's service area.

- (3). The discharger shall ensure that the POTW⁴ pretreatment program for all contributory agencies discharging to the discharger's treatment facility are implemented and enforced. The discharger shall be responsible and liable for the performance of all Control Authority pretreatment requirements contained in 40 CFR 403, including any subsequent regulatory revisions to Part 403. Where Part 403 or subsequent revisions place mandatory actions upon the discharger as Control Authority but does not specify a timetable for completion of the actions, the discharger shall submit for approval of the Regional Water Board's Executive Officer, a schedule for implementation of the required actions and shall implement the approved schedule. The schedule for implementation shall be submitted within six months from the date that such mandatory actions are established. For violations of pretreatment requirements, the discharger shall be subject to enforcement actions, penalties, fines and other remedies by the EPA, or other appropriate parties, as provided in the CWA, as amended (33 USC 1351 et seq.). The EPA or the Regional Water Board may also initiate enforcement action against an industrial user (IU) for non-compliance with applicable standards and requirements as provided in the CWA.
- (4). The discharger shall perform the pretreatment functions as required in 40 CFR Part 403 including, but not limited to:
- i. Enforce the pretreatment requirements under 40 CFR 403.5 and 403.6;
 - ii. Implement the necessary legal authorities as provided in 40 CFR 403.8(f)(1);
 - iii. Implement the programmatic functions as provided in 40 CFR 403.8(f)(2);
 - iv. Publish a list of significant non-compliance as required by 40 CFR 403.8(f)(2)(vii); and
 - v. Provide the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR 403.8(f)(3).
- (5). The following wastes shall not be introduced into the treatment works:
- i. Wastes which create a fire or explosion hazard in the treatment works;
 - ii. Wastes which will cause corrosive structural damage to treatment works, but, in no case, wastes with a pH lower than 5.0 unless the works are designed to accommodate such wastes;
 - iii. Wastes at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency;
 - iv. Solid or viscous wastes in amounts that would cause obstruction to the flow in sewers or otherwise interfere with the proper operation of the treatment works.

⁴ Publicly owned treatment works.

- (6). The discharger shall ensure compliance with any existing or future pretreatment standard promulgated by EPA under Section 307 of the CWA or amendments thereto for any discharge to the municipal system.
- (7). The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement.
- (8). The discharger shall require each user not in compliance with any pretreatment standard to submit periodic notice (over intervals not to exceed nine months) of progress toward compliance with applicable toxic and pretreatment standards developed pursuant to the CWA or amendments thereto. The discharger shall forward a copy of such notice to the Regional Water Board and to the EPA Regional Administrator.

VII. COMPLIANCE DETERMINATION

Compliance with the effluent limitations contained in Section IV of this Order will be determined as specified below:

A. Average Monthly Effluent Limitation (AMEL).

If the average of daily discharges over a calendar month exceeds the AMEL for a given parameter, an alleged violation will be flagged and the discharger will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). The average of daily discharges over the calendar month that exceeds the AMEL for a parameter will be considered out of compliance for that month only. If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the discharger will be considered out of compliance for that calendar month. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month.

B. Average Weekly Effluent Limitation (AWEL).

If the average of daily discharges over a calendar week exceeds the AWEL for a given parameter, an alleged violation will be flagged and the discharger will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance. The average of daily discharges over the calendar week that exceeds the AWEL for a parameter will be considered out of compliance for that week only. If only a single sample is taken during the calendar week and the analytical result for that sample exceeds the AWEL, the discharger will be considered out of compliance for that calendar week. For any one calendar week during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar week.

C. Maximum Daily Effluent Limitation (MDEL).

If a daily discharge exceeds the MDEL for a given parameter, an alleged violation will be flagged and the discharger will be considered out of compliance for that parameter for that 1 day only within the reporting period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

D. Instantaneous Minimum Effluent Limitation.

If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, a violation will be flagged and the discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

E. Instantaneous Maximum Effluent Limitation.

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a violation will be flagged and the discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

F. Priority Pollutants.

The discharger shall be deemed out of compliance with an effluent limitation if the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation.

1. Compliance determination shall be based on the reporting level selected from minimum level (ML)⁵ specified in Attachment "I" of this Order, unless an alternative reporting level is approved by the Regional Water Board's Executive Officer. When there is more than one ML value for a given substance, the discharger shall select the ML value that is below the calculated effluent limitation, and use its associated analytical method, listed in Attachment "I" of this Order. If no ML value is below the effluent limitation, then the Regional Water Board will select as the reporting level the lowest ML value and its associated analytical method.
2. When determining compliance with an average monthly limit and more than one sample result is available in a month, the discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of detected but not quantified (DNQ) or not detected (ND). In those cases, the discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:

⁵ Minimum level is the concentration at which the entire analytical system must give a recognizable signal and acceptable point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

- a. The data set shall be ranked from low to high, reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
- b. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ. If a sample result, or the arithmetic mean or median of multiple sample results, is below the reporting level, and there is evidence that the priority pollutant is present in the effluent above an effluent limitation and the discharger conducts a pollutant minimization program (PMP)⁶ the discharger shall not be deemed out of compliance.

G. Non-Priority Pollutants.

The discharge shall be considered to be in compliance with an effluent limitation that is less than or equal to the PQL specified in Attachment H of this Order if the arithmetic mean of all test results for the monitoring period is less than the constituent effluent limitation. Analytical results that are less than the specified PQL shall be assigned a value of zero.

H. Coliform Organism Effluent Limitations.

Compliance with the running median total coliform limit expressed in Discharge Specification IV.A.1.b.i. shall be based on a median of test results from the previous 7 days. To comply with the limit, the 7-day median MPN must not exceed 23 per 100 milliliters on any day during the week. However, only one violation is recorded for each calendar week, even if the 7-day median MPN value is greater than 23 for more than one day in the week.

I. pH Effluent Limitations.

Pursuant to 40 CFR 401.17, the discharger shall be in compliance with the pH limitations specified in the Discharge Specification IV.A.1.a, above, provided that both of the following conditions are satisfied:

1. The total time during which the pH values are outside the required range of 6.5-8.5 pH values shall not exceed 7 hours and 26 minutes in any calendar month; and
2. No individual excursion from the range of pH values shall exceed 60 minutes.

⁶ The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation.

J. Compliance Determination

Compliance determinations shall be based on available analyses for the time interval associated with the effluent limitation. Where only one sample analysis is available in a specified time interval (e. g., monthly or weekly average), that sample shall serve to characterize the discharge for the entire interval. If quarterly sample results show noncompliance with the average monthly limit and that sample result is used for compliance determinations for each month of the quarter, then three separate violations of the average monthly limit shall be deemed to have occurred.